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**OFFICE OF PETITIONS**

In re Application of :  
Alex Suk, et al. :  
Application No. 10/772,631 :  
Filed: February 5, 2004 :  
Attorney Docket No. 9132-90883 :  
ON PETITION

This is a decision in response to the petition under 37 CFR 1.137(b), filed February 20, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before January 16, 2007. A Notice of Abandonment was mailed on February 7, 2007.

The present petition includes a Request for Continued Examination (RCE) and the submission required by 37 CFR 1.114. Petitioner indicates that the RCE was previously filed on December 14, 2006. In support, petitioner submits a copy of a post card dated December 18, 2006, that acknowledges receipt of a Request of Continued Examination (RCE) Transmittal, Check, Certificate of Mailing and Postcard. It is noted that the post card receipt does not reference a submission as required under 37 CFR 1.114. Accordingly, it is concluded that, while the RCE was filed within the period for paying the issue fee, it was an improper filing under 37 CFR 1.114. Therefore, the application was properly held abandoned for a failure to pay the issue fee. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply under 37 CFR 1.137(b) must be the payment of the issue fee or any outstanding balance thereof. Accordingly, the issue fee payment of \$700 is being charged to counsel's deposit account as authorized.

The application is revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

*Petitioner is advised that the issue fee paid in the above-identified application cannot be refunded. However, if the above-identified application is again allowed, petitioner may request that the issue fee paid on February 20, 2007, be applied towards the issue fee required by the new Notice of Allowance.*

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

The application file is being forwarded to Technology Center AU 2876 for further processing of the request for continued examination under 37 CFR 1.114 filed February 20, 2007.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions